

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

Defendants the University of North Carolina at Chapel Hill, et al. (“Defendants”) previously filed a motion for stay of proceedings pending a decision by the Supreme Court in *Fisher v. Univ. of Texas at Austin*, No. 14-981 (“*Fisher II*”) (Dkt. 46, 47). Plaintiff Students for Fair Admissions, Inc. previously opposed that motion and continues to do so (Dkt. 52). Notwithstanding the parties’ disagreement, Plaintiff and Defendants have agreed to a partial stay of the proceedings pending the resolution of *Fisher II* on the condition that Defendants make production of certain agreed-upon materials. Accordingly, the parties jointly respectfully move that the Court enter an order partially staying this action pending a decision by the Supreme Court in *Fisher II*.

The Court has discretionary authority to stay proceedings “incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North Am.*

Co., 299 U.S. 248, 254 (1936). On July 6, 2015, Defendants moved to stay all proceedings pending a decision by the Supreme Court in *Fisher II*. (Dkt. 46.) Although Plaintiff initially opposed that motion and continue to do so, the parties have negotiated a resolution that would permit certain factual discovery while awaiting the Supreme Court's decision in *Fisher II*. The parties believe that this resolution would preserve their resources and promote judicial efficiency and economy.

The parties have agreed that, by December 31, 2015, Defendants will produce (i) the factual materials covered in the parties' Stipulation entered as an Order of the Court on September 8, 2015 (Dkt. 62) and (ii) certain additional policy documents from the 2013-2014 and 2014-2015 admissions cycles that are partially responsive to Plaintiff's discovery requests. With the exception of any action taken to enforce this agreement, the parties respectfully request that all other proceedings in this case, including discovery, be stayed pending the Supreme Court's decision in *Fisher II*. Should the Court grant this motion, Defendants will withdraw their Motion to Stay Proceedings (Dkt. 46).

A proposed Order is attached.

Respectfully submitted this 30th day of September, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2015, I filed a true and correct copy of the foregoing JOINT MOTION TO STAY PROCEEDINGS with the Clerk of Court using the CM/ECF system.

This 30th day of September, 2015.

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